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Paper No. 23

THE FIRM OF HUESCHEN AND SAGE  
500 COLUMBIA PLAZA  
350 EAST MICHIGAN AVENUE  
KALAMAZOO MI 49007

**COPY MAILED**

**APR 3 0 2004**

In re Application of  
Parsons, et al.  
Application No. 09/597,102  
Filed: June 20, 2000  
Attorney Docket No. MERZ30 / dln  
For: 1-AMINO-ALKYLCYCLOHEXANES AS  
5-HT3 AND NEURONAL NICOTINIC  
RECEPTOR ANTAGONISTS

**OFFICE OF PETITIONS**  
**ON PETITION**

This is a decision on the petition under 37 CFR 1.137(b), filed April 19, 2004 (certificate of mailing date April 15, 2004), to revive the above-identified application.

The above-identified application became abandoned for failure to properly reply to the final Office action, mailed June 5, 2002. Petitioners filed an amendment after final on August 7, 2002. The amendment after final failed to place the above-identified application in *prima facie* condition for allowance, as was stated in the Advisory Action, dated August 23, 2003. After a telephonic interview with the examiner of record, petitioners filed another after final amendment on September 10, 2002 with request for a one month extension of time and required fee. The September 10, 2002 amendment after final did not place the application in *prima facie* condition for allowance, as was stated in the Advisory Action, dated March 29, 2003. A Notice of Abandonment was mailed on April 9, 2003. A petition under 37 CFR 1.137(a), filed August 11, 2003 (certificate of mailing date August 6, 2003) was dismissed on April 19, 2004 for failure to submit a proper reply and failure to show the entire delay in responding to the June 5, 2002 final Office action was unavoidable.

Petitioners (1) have filed a proper reply in the form of a request for RCE and have requested consideration of the amendment filed on August 11, 2003 (certificate of mailing date August 6, 2003) as their submission, (2) have paid the petition fee, and (3) have provided an acceptable statement regarding the unintentional nature of the delay in responding to the June 5, 2002 final Office action.

Therefore, the petition under 37 CFR 1.137(b) is **GRANTED**.

After the mailing of this decision, the application file will be returned to Technology Center 1600 for further examination.

Telephone inquiries pertaining to this matter may be directed to the undersigned at (703) 308-6712.

E. Shirene Willis  
Senior Petitions Attorney  
Office of Petitions